

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA

v.

CHRISTOPHER AGBAJE,
d/b/a ACE TELECOMMUNICATIONS
& CONSULTANCY SERVICES, INC.,
d/b/a ACORIN USA, LLC

INDICTMENT

Case No. _____

Violations: 18 U.S.C. §§ 1341, 1343, 1349,
1956(a)(1)(A)(i), 1956(a)(1)(B)(i),
981(a)(1)(A), 982(a)(1), and 2; 21 U.S.C.
§ 853(p); and 28 U.S.C. § 2461(c)

Background

1. Victim operates a law firm in Mercer County, North Dakota, and utilizes email, a form of interstate and foreign commerce, to communicate with clients and financial institutions.
2. Victim utilizes First Security Bank-West, a financial institution located in Mercer County, North Dakota, for the law firm's banking needs. At the time of the offenses listed in this Indictment, Victim maintained a First Security Bank-West bank account for Victim's law firm.
3. At the time of the offenses listed in the Indictment, CHRISTOPHER AGBAJE resided in Nigeria and OME JOHN ETUE resided in Kent, Washington. Additionally, OME JOHN ETUE maintained bank accounts at Bank of America, N.A., a financial institution which maintains businesses located throughout the United States. On or about May 7, 2018, at the Kent Banking Center, located in Kent, Washington, OME JOHN ETUE opened a Bank of America, N.A. checking (DDA) account, with account number xxxx-xxxx-x737, under the business name ACE TELECOMMUNICATIONS & CONSULTANCY SER, with a Kent, Washington

address. On the checking account paperwork OME JOHN ETUE submitted to Bank of America, N.A., he listed his title as “President” of ACE TELECOMMUNICATIONS & CONSULTANCY SER. Additionally, at the time of the offenses listed in the Indictment, OME JOHN ETUE operated a business, and used the business name, ACE TELECOMMUNICATIONS & CONSULTANCY SERVICES LLC, which he registered as a Limited Liability Company (LLC) on or about April 19, 2018, in the State of Washington. CHRISTOPHER AGBAJE is registered as a “Governor” for ACE TELECOMMUNICATIONS & CONSULTANCY SERVICES LLC with the Office of Secretary of State, Corporations & Charities Division for the State of Washington. Moreover, at the time of the offenses listed in the Indictment, OME JOHN ETUE operated a business, and used the business name, ACORIN USA LLC, which he registered as an LLC on or about October 26, 2018, in the State of Washington. In Nigeria, CHRISTOPHER AGBAJE utilized the business name of “ACORIN USA” in communications with third parties.

4. During the timeframe listed in the Indictment, CHRISTOPHER AGBAJE aided, abetted, counseled, commanded, and induced OME JOHN ETUE to fraudulently receive money, in the form of bank wire transfers, from attorneys. Additionally, during the timeframe listed in the Indictment, CHRISTOPHER AGBAJE aided, abetted, counseled, commanded, and induced OME JOHN ETUE to fraudulently send money that OME JOHN ETUE had received from attorneys, in the form of international wire transfers, to locations outside of the United States.

5. On or about November 9, 2020, Victim received an email from an individual using the name “Stephen Kersey” and the email address stephenkersey4u@gmail.com. In this email, the person utilizing the name Kersey claimed to be the president of Anthem Equipment Inc., a commercial equipment business, located in Palmetto, Florida. The person purporting to be Kersey told Victim he was engaged in a legal dispute with a Bismarck, North Dakota, company and requested legal representation from Victim to resolve this dispute.
6. On or about November 20, 2020, the person purporting to be Kersey emailed Victim a signed fee agreement. In this email, the person claiming to be Kersey stated that the Bismarck, North Dakota, company with whom he was in a legal dispute had agreed to: make full payment of money owed to Kersey; send payment directly to Victim; and include Victim’s retainer fee in the payment.
7. On or about November 30, 2020, the person claiming to be Kersey emailed Victim that the Bismarck, North Dakota, company with whom he was in a legal dispute had sent payment, via postal mail, to Victim.
8. On or about December 1, 2020, Victim received a Canadian Air Mail postal parcel, addressed to Victim, with a return address of Bismarck, Ontario, purportedly from the company with whom the person claiming to be Kersey was in a legal dispute. Included in this postal parcel were two items; first, a letter, dated November 19, 2020, purportedly from the president of the company with whom Kersey was in a legal dispute explaining that the company was submitting payment for the outstanding debt owed to Anthem Equipment Inc; and second, a Citibank, N.A. check in the amount of

\$198,850.00, with check number 530300593, dated November 19, 2020, made payable to Victim. On or about December 1, 2020, Victim deposited this Citibank, N.A., check in the amount of \$198,850.00, with check number 530300593, into their First Security Bank-West account. Additionally, on or about this same date, Victim sent the person purporting to be Kersey an email stating that they had received payment in the amount of \$198,850.00 from the Bismarck, North Dakota, company with whom the person purporting to be Kersey was in a legal dispute.

9. On or about December 3, 2020, the person claiming to be Kersey emailed Victim instructions, which explained where to send a wire transfer with the \$198,850.00 payment, minus Victim's attorney fees. Specifically, the person purporting to be Kersey provided Victim with the following wire transfer instructions:

- Bank of America
- Account Number: xxxxxxxxxx737
- Account Name: Ace Telecom
- Routing Number: xxxxxx593
- Swift Code: BOFAUS3N
- Beneficiary Address: [Street Address Redacted], Groveland, FL 34736.

10. On or about December 3, 2020, victim sent a wire transfer from First Security Bank-West, located in Mercer County, North Dakota, in the amount of \$198,336.68, to Bank of America, N.A., account number xxxxxxxxxx737, per the instructions provided by the person claiming to be Kersey with IAMD number 20201203I1B78Q1C000625.
11. On or about December 4, 2020, First Security Bank-West learned that the Citibank, N.A. check in the amount of \$198,850.00, with check number 530300593, dated November 19, 2020, which Victim deposited into their First Security Bank-West

account was counterfeit and attempted to recall the aforementioned \$198,336.68 wire transfer.

12. On or about December 3, 2020, OME JOHN ETUE, d/b/a ACE

TELECOMMUNICATIONS & CONSULTANCY SERVICES LLC, d/b/a ACE

TELECOMMUNICATIONS & CONSULTANCY SER, received the \$198,336.68

wire transfer from Victim into his Bank of America, N.A. checking (DDA) account,

with account number xxxx-xxxx-x737. CHRISTOPHER AGBAJE aided, abetted,

counseled, commanded, and induced OME JOHN ETUE to fraudulently receive this

wire transfer.

13. On or about December 8, 2020, approximately five days after receiving the wire

transfer from Victim, OME JOHN ETUE, d/b/a ACE TELECOMMUNICATIONS &

CONSULTANCY SERVICES LLC, d/b/a ACE TELECOMMUNICATIONS &

CONSULTANCY SER, at the direction of CHRISTOPHER AGBAJE, sent an

international wire transfer, in the amount of \$180,000.00, to “Aller Aqua.”

CHRISTOPHER AGBAJE aided, abetted, counseled, commanded, and induced OME

JOHN ETUE to fraudulently send this international wire transfer to “Aller Aqua.”

14. Neither the real Stephen Kersey, nor Anthem Equipment Inc. as a company, had

retained Victim to represent them in any legal matters and did not send any emails to

Victim. Additionally, the email address stephenkersey4u@gmail.com does not

belong to either Stephen Kersey or Anthem Equipment Inc.

COUNT ONE

Wire Fraud

The Grand Jury Charges:

1. The Charge. Between on or about November 1, 2020, and on or about December 31, 2020, in the District of North Dakota and elsewhere,

CHRISTOPHER AGBAJE,
d/b/a ACE TELECOMMUNICATIONS & CONSULTANCY SERVICES, INC., d/b/a
ACORIN USA, LLC,

individually, and by aiding and abetting, counseling, commanding, inducing and procuring its commission, with intent to defraud, did voluntarily and intentionally devise and intend to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing the pretenses, representations, and promises were false and fraudulent when made, and did transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds;

2. The Scheme. The United States realleges and incorporates by reference the allegations listed in the background section of this Indictment, which outline the aforementioned defendant's scheme to defraud Victim. Additionally, after Victim: (i) received emails from the person claiming to be Kersey, which contained false statements stating he wanted Victim to represent him in a legal dispute with a Bismarck, North Dakota, company; (ii) received a Canadian Air Mail postal parcel containing a fraudulent Citibank check payable to Victim's law firm in the amount of

\$198,850.00; and (iii) deposited this check in Victim's First Security Bank-West account, on or about December 3, 2020, at the direction of CHRISTOPHER AGBAJE, OME JOHN ETUE, d/b/a ACE TELECOMMUNICATIONS & CONSULTANCY SERVICES LLC, d/b/a ACE TELECOMMUNICATIONS & CONSULTANCY SER, and d/b/a ACORIN USA LLC, fraudulently received the \$198,336.68 wire transfer from Victim into his Bank of America, N.A. checking (DDA) account, with account number xxxx-xxxx-x737, without having any legal right to these funds;

Thereafter, on or about December 8, 2020, after receiving the wire transfer from Victim, at the direction of CHRISTOPHER AGBAJE, OME JOHN ETUE, d/b/a ACE TELECOMMUNICATIONS & CONSULTANCY SERVICES LLC, d/b/a ACE TELECOMMUNICATIONS & CONSULTANCY SER, and d/b/a ACORIN USA LLC, sent an international wire transfer in the amount \$180,000.00 to "Aller Aqua" (i) with the intent to promote the carrying on of mail fraud and wire fraud, and (ii) designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of the mail fraud and wire fraud;

In violation of Title 18, United States Code, Sections 1343 and 2.

COUNT TWO

Mail Fraud

The Grand Jury Further Charges:

1. The Charge.

Between on or about November 1, 2020, and on or about December 31, 2020, in the District of North Dakota and elsewhere,

CHRISTOPHER AGBAJE,
d/b/a ACE TELECOMMUNICATIONS & CONSULTANCY SERVICES, INC., d/b/a
ACORIN USA, LLC,

individually, and by aiding and abetting, counseling, commanding, inducing and procuring its commission, with intent to defraud, voluntarily and intentionally devised and intended to devise a scheme and artifice to defraud to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, knowing the pretenses, representations, and promises were false and fraudulent when made, and did, for the purpose of executing such scheme and artifice and attempting so to do, placed and caused to be placed in a Post Office and authorized depository for mail matter, a check to be sent and delivered by the Postal Service, and did deposit and cause to be deposited, a check to be delivered by private and commercial interstate carriers, and did take and receive a check therefrom, and knowingly caused it to be delivered by mail and by such carrier according to the direction thereon, at places which it was directed to be delivered by the person to whom it was addressed;

2. The Scheme. The United States realleges and incorporates by reference the allegations listed in the background section of this Indictment, which outline the

aforementioned defendant's scheme to defraud Victim. Additionally, after Victim: (i) received emails from the person claiming to be Kersey, which contained false statements stating he wanted Victim to represent him in a legal dispute with a Bismarck, North Dakota company; (ii) received a Canadian Air Mail postal parcel containing a fraudulent Citibank check payable to Victim's law firm in the amount of \$198,850.00; and (iii) deposited this check in Victim's First Security Bank-West account; on or about December 3, 2020, at the direction of CHRISTOPHER AGBAJE, OME JOHN ETUE, d/b/a ACE TELECOMMUNICATIONS & CONSULTANCY SERVICES LLC, d/b/a ACE TELECOMMUNICATIONS & CONSULTANCY SER, and d/b/a ACORIN USA LLC, fraudulently received the \$198,336.68 wire transfer from Victim into his Bank of America, N.A. checking (DDA) account, with account number xxxx-xxxx-x737, without having any legal right to these funds;

Thereafter, on or about December 8, 2020, after receiving the wire transfer from Victim, at the direction of CHRISTOPHER AGBAJE, OME JOHN ETUE, d/b/a ACE TELECOMMUNICATIONS & CONSULTANCY SERVICES LLC, d/b/a ACE TELECOMMUNICATIONS & CONSULTANCY SER, and d/b/a ACORIN USA LLC, sent an international wire transfer in the amount \$180,000.00 to "Aller Aqua" (i) with the intent to promote the carrying on of mail fraud and wire fraud, and (ii) designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of the mail fraud and wire fraud;

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT THREE

Money Laundering

The Grand Jury Further Charges:

Between on or about November 1, 2020, and on or about December 31, 2020, in the District of North Dakota and elsewhere,

CHRISTOPHER AGBAJE,
d/b/a ACE TELECOMMUNICATIONS & CONSULTANCY SERVICES, INC., d/b/a
ACORIN USA, LLC.,

did, individually, and by aiding and abetting, counseling, commanding, inducing and procuring its commission, knowingly and willfully conducted and attempted to conduct a financial transaction affecting interstate commerce, which involved the proceeds of specified unlawful activity, that is, mail fraud, in violation of Title 18, United States Code, Section 1341, and wire fraud, in violation of Title 18, United States Code, Section 1343: (a) while acting with the intent to promote the carrying on of said specified unlawful activity, and (b) knowing that the transaction was designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of said specified unlawful activity, and that, while conducting and attempting to conduct such financial transaction, CHRISTOPHER AGBAJE, d/b/a ACE TELECOMMUNICATIONS & CONSULTANCY SERVICES, INC., d/b/a ACORIN USA, LLC., knew the property involved in the financial transaction represented the proceeds of some form of unlawful activity;

In violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i), 1956(a)(1)(B)(i), and 2.

FORFEITURE ALLEGATION

The Grand Jury Further States There is Probable Cause That:

Upon conviction of one or more of the offenses charged in this Indictment,

CHRISTOPHER AGBAJE,
d/b/a ACE TELECOMMUNICATIONS & CONSULTANCY SERVICES, INC., d/b/a
ACORIN USA, LLC.,

shall forfeit to the United States, pursuant to 18 U.S.C. §§ 981(a)(1)(c) and 982(a)(1), and 28 U.S.C. § 2461(c), all of their right, title, and interest in any property, real or personal, which constitutes or is derived from proceeds traceable to violation(s) of 18 U.S.C. §§ 1343, 1341, 18 U.S.C. §§ 1956(a)(1)(A)(i) and 1956(a)(1)(B)(i).

If any of the assets described above as being subject to forfeiture pursuant to 18 U.S.C. §§ 982(a)(1) and/or 981(a)(1)(c), as a result of any act or omission of CHRISTOPHER AGBAJE, d/b/a ACE TELECOMMUNICATIONS & CONSULTANCY SERVICES, INC., d/b/a ACORIN USA, LLC:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 28

U.S.C. § 2461(c), to seek forfeiture of any other property of said defendant's up to the value of said property described above as being subject to forfeiture.

A TRUE BILL:

/s/ Foreperson

Foreperson

/s/ Nicholas W. Chase

NICHOLAS W. CHASE

United States Attorney

JJO/tmg